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8                   **ORDINANCE**  
9                   **NUMBER 2022-12**

10                   **AN ORDINANCE OF LEVY COUNTY, FLORIDA, AMENDING**  
11                   **THE TEXT OF THE LAND DEVELOPMENT CODE RELATED**  
12                   **TO ALLOWING RESIDENTIAL USE IN COMMERCIAL**  
13                   **ZONING DISTRICTS; PROVIDING FOR INCLUSION IN THE**  
14                   **CODE; PROVIDING A SEVERABILITY CLAUSE;**  
15                   **PROVIDING A REPEALING CLAUSE; AND PROVIDING**  
16                   **DIRECTION TO THE CLERK AND EFFECTIVE DATES.**  
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20                   **WHEREAS**, Section 1, Article VIII of the Florida Constitution and Chapter 125,  
21 Florida Statutes, vest the Board of County Commissioners of Levy County, Florida (the  
22 “Board”) with the authority to adopt county ordinances that are not inconsistent with state  
23 general or special law and provide the required procedures to adopt such ordinances; and  
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25                   **WHEREAS**, in 1990, the Board adopted the Levy County Comprehensive Plan  
26 pursuant to the provisions of Chapter 163, Florida Statutes, and has amended the Plan  
27 through adoption of subsequent ordinances (the “Comprehensive Plan”); and  
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29                   **WHEREAS**, in 1991, the Board adopted the Levy County Land Development  
30 Regulations, now codified as Chapter 50 titled “Land Development Code” of the Code of  
31 Ordinances of Levy County; and  
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33                   **WHEREAS**, in April 2021, the Board directed County staff to work on an  
34 amendment the Comprehensive Plan to allow residential use within the commercial land  
35 use category and, pursuant to that direction, County staff initiated Petition LSTA 21-01 to  
36 amend Policy 1.2 in the Future Land Use Element of the Comprehensive Plan (the  
37 “Petition”); and  
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Note: deletions shown ~~stricken~~, additions shown underlined.

1           **WHEREAS**, the Petition has now been adopted by County Ordinance Number  
2 2022-11; and

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4           **WHEREAS**, the Board finds that it is necessary to adopt this proposed ordinance to  
5 revise the Land Development Code to correspond with the Comprehensive Plan  
6 Amendment adopted by Ordinance Number 2022-11; and

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8           **WHEREAS**, as required by Part II of Chapter 163, Florida Statutes and Section 50-  
9 55 of the Land Development Code, this proposed ordinance has been reviewed by the  
10 County Planning Commission for consistency with the Comprehensive Plan and the  
11 Planning Commission recommendation has been forwarded to the Board; and

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13           **WHEREAS**, in accordance with Section 125.66(4)(b), Florida Statutes, notice was  
14 given by publication of a first advertisement no less than two columns wide by ten inches  
15 long in a newspaper of general circulation notifying the public of this proposed ordinance  
16 and of a public hearing in the Levy County Government Center in Bronson, Florida, to be  
17 held at least seven days after the day the first advertisement was published; and

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19           **WHEREAS**, in accordance with Section 125.66(4)(b), Florida Statutes, notice was  
20 given by publication of a second advertisement no less than two columns wide by ten  
21 inches long in a newspaper of general circulation notifying the public of this proposed  
22 ordinance and of a second public hearing in the Levy County Government Center in  
23 Bronson, Florida, to be held at least five days after the day the second advertisement was  
24 published; and

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26           **WHEREAS**, in accordance with Section 125.66(4)(b), Florida Statutes, the two  
27 public hearings were held at least 10 days apart and at least one of the public hearings  
28 was held after 5pm; and

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30           **WHEREAS**, the Board finds that this proposed ordinance serves a public purpose  
31 and benefits the County; and

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33           **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of  
34 Levy County, Florida, that:

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36           **SECTION 1.** The C-1 Exclusive Office, C-2 Neighborhood Commercial, C-3 Moderately  
37 Intensive Commercial, and C-4 Highway Commercial Zoning Districts in "Schedule 1. Use

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1 Regulations” within Section 50-676 of the Levy County Code are amended as follows.  
 2 Except as amended herein, the remainder of “Schedule 1. Use Regulations” remains in full  
 3 force and effect.  
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<b>SCHEDULE 1. USE REGULATIONS</b>				
<i>District</i>	<i>Permitted Uses</i>	<i>Accessory Uses</i>	<i>Prohibited Uses</i>	<i>Special Exception Uses</i>
C-1 Exclusive Office District	Real estate offices. Attorney offices. Architect offices. Engineer offices. Insurance offices. Banks. Accounting offices. Any professional or business office not already specifically included in this list of permitted uses unless specifically listed as a prohibited use or special exception use in this district. Public buildings and uses except prisons and jails. Essential public utility services, except as otherwise prohibited. <sup>1</sup> Aquaculture. Private clubs within enclosed clubhouses, and lodges. <u>Single-family dwelling.</u> <u>Mobile Home.</u>	Uses customarily accessory to a permitted use in this district.	All uses listed as permitted uses in the C-2, C-3 and C-4 districts, unless specifically and individually listed as a permitted use or a special exception use in this district. All industrial uses. Towers, communications and broadcasting. <del>Mobile homes as an accessory use.</del> Parking more than one commercial vehicle not functionally related to the principal use. <del>Residential.</del> Medical marijuana treatment center dispensing facilities.	Veterinary clinics.

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<b>SCHEDULE 1. USE REGULATIONS</b>				
<i>District</i>	<i>Permitted Uses</i>	<i>Accessory Uses</i>	<i>Prohibited Uses</i>	<i>Special Exception Uses</i>
C-2 Neighborhood Commercial District	Retail sales, including but not limited to food, beverages, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry, art, cameras and photographic supplies, sports and hobby supplies, sports equipment, musical instruments, television and radio equipment, flowers and plants, gifts, pharmaceutical products, home furnishings, appliances, office equipment, antiques, and hardware, unless specifically listed as a prohibited use or special except use in this district. Restaurants without the on-premises sales and consumption of alcohol. Personal service establishments, including but not limited to barbershops,	Uses customarily accessory to a permitted use in this district.	All uses listed as permitted uses in the C-3 and C-4 districts, unless specifically and individually listed as a permitted use or a special exception use in this district. <del>Mobile homes as an accessory use.</del> Parking more than one commercial vehicle not functionally related to the principal use. <del>Residential.</del> Medical marijuana treatment center dispensing facilities.	Automobile service or repair stations. Broadcasting towers. Schools, including vocational and technical schools. Halfway homes and rehabilitation centers. Restaurant with on-premises sales and consumption of alcohol. Wholesales sales. Institutions. Automobile sales and service. Veterinary clinics. Automobile paint and body shops. Nightclubs/bottle clubs. Bars, taverns or lounges.

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	<p>beauty parlors, steam baths, shops, exercise or reducing salons, watch and clock repair, printing and copying, locksmiths, and title companies.</p> <p>Commercial banks, savings and loans, credit unions, loan companies, and other financial services.</p> <p>Laundry and dry cleaning plants.</p> <p>Copying, printing, book binding, newspaper offices and presses.</p> <p>Aquaculture.</p> <p>Radio and television stations, excluding towers.</p> <p>Gas stations.</p> <p>Funeral homes.</p> <p>Churches.</p> <p>Medical and dental clinics, nursing homes, nurseries, and day care centers.</p>			
	<p>Mini-warehouses.</p> <p>Garden and farm supplies.</p> <p>Licensed masseurs and masseuses.</p> <p>Recreation and entertainment in enclosed buildings.</p> <p>Any uses listed as a permitted or a special exception</p>			

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	<p>use in the C-1 district, unless specifically listed as a prohibited use or special exception use in this district.</p> <p>Commercial PUD in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof.</p> <p>Industrial PUD in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof.</p> <p>Bed and breakfast lodging.</p> <p>Essential public utility services.</p> <p>Private clubs within enclosed clubhouses, and lodges.</p> <p>On-premises sales and consumption of alcohol in chartered or incorporated private country clubs or lodges.</p> <p><u>Single-family dwelling.</u></p> <p><u>Mobile Home.</u></p>			
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<b>SCHEDULE 1. USE REGULATIONS</b>				
<i>District</i>	<i>Permitted Uses</i>	<i>Accessory Uses</i>	<i>Prohibited Uses</i>	<i>Special Exception Uses</i>
C-3 Moderately Intensive Commercial	Wholesale sales. Warehouses. Institutions. Automobile paint and body shops. Mobile home sales and service. Recreational vehicle sales and service. Automobile sales and service. Tractor sales and service. Boat sales and service. Builders or contractors supplies. Construction contractor or subcontractor yards or offices. Bulk storage and dispensing of petroleum and liquid petroleum gas. Industrial PUD in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof. Commercial PUD in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof. Public buildings and	Uses customarily accessory to a permitted use in this district.	All uses listed as permitted uses in the C-4 district, unless specifically listed as a permitted use or a special exception use in this district. <del>Mobile homes as an accessory use.</del> <del>Residential.</del> Medical marijuana treatment center dispensing facilities.	Flea markets. Commercial boat landings, sport fisheries, and marinas. Sale of unfinished products outside of structures. Furniture manufacturing. Woodshops in enclosed structures. Veterinary clinics. Junkyards. Cemeteries. Manufacture, assembly, processing, packaging, and storage of products within a building, with no emissions of smell, odor, noise, dust, smoke, vibration, or light. Travel trailer parks. Nightclubs/bottle clubs. Bars, taverns or lounges.

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	<p>uses, except prisons and jails.  Professional and administrative offices.  Printing.  Radio and television stations, excluding towers.  All uses listed as permitted uses in the C-1 and C-2 districts unless specifically listed as a prohibited use or special exception use in this district.  Essential public utility services.  Aquaculture.  Private clubs within enclosed clubhouses, and lodges.  On-premises sales and consumption of alcohol in chartered or incorporated private country clubs or lodges.  <del>Single-family dwelling.</del>  <u>Mobile Home.</u></p>			
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<b>SCHEDULE 1. USE REGULATIONS</b>				
<i>District</i>	<i>Permitted Uses</i>	<i>Accessory Uses</i>	<i>Prohibited Uses</i>	<i>Special Exception Uses</i>
C-4 Highway Commercial	Hotels. Motels. Bed and breakfast lodging. Tourist attractions. Automobile service or repair stations. Restaurants. Hospitals. Schools, colleges, and dormitories. Truck terminals. Commercial PUD in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof. Industrial PUD in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof. Public buildings and uses, except prisons and jails. Essential public utility services. Aquaculture. <u>Single-family dwelling.</u> <u>Mobile Home.</u>	Uses customarily accessory to a permitted use in this district. On-premises sales and consumption of alcohol as an accessory to a hotel or restaurant.	All uses listed as permitted uses in the C-1, C-2 and C-3 districts, unless specifically and individually listed as a permitted use or a special exception use in this district. <del>Mobile homes as an accessory use.</del> <del>Residential.</del> Medical marijuana treatment center dispensing facilities.	Shopping centers. Rehabilitation centers. Travel trailer parks. On-premises sales and consumption of alcohol as an accessory use when primary use is not a hotel or restaurant. Nightclubs/bottle clubs. Bars, taverns or lounges.

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**SECTION 2. Inclusion in the Code.** The provisions of Section 1 of this Ordinance shall become and be made a part of the Levy County Code, and the sections of this Ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section,”

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1 “article,” “regulation,” or other appropriate word or phrase in order to accomplish the  
2 codification.

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4 **SECTION 3. Severability Clause.** It is declared to be the intent of the Board that if any  
5 section, subsection, sentence, clause, phrase, portion or provision of this Ordinance is for  
6 any reason declared or held invalid or unconstitutional by any court of competent  
7 jurisdiction, such section, subsection, sentence, clause, phrase, portion or provision shall  
8 be deemed a separate, distinct and independent provision, and the remainder of this  
9 Ordinance shall be not affected by such declaration or holding.

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11 **SECTION 4. Repealing Clause.** All ordinances or parts of ordinances and all resolutions  
12 or parts of resolutions of Levy County in conflict herewith are hereby repealed to the extent  
13 of such conflict.

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15 **SECTION 5. Effective Date.** In accordance with Section 125.66, Florida Statutes, the  
16 Clerk to the Board of County Commissioners is directed to file this ordinance with the  
17 Florida Department of State within 10 days after adoption and upon such filing, this  
18 ordinance shall become effective; however, in accordance with Section 163.3184(12),  
19 Florida Statutes, the text change to the Land Development Code contained in this  
20 Ordinance shall not become effective until the Comprehensive Plan Amendment in  
21 Ordinance Number 2022-11 becomes effective.

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23 PASSED AND ADOPTED this 17<sup>th</sup> day of May, 2022.

24  
25 BOARD OF COUNTY COMMISSIONERS  
26 OF LEVY COUNTY, FLORIDA

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30 Russell Meeks, Jr, Chairman

31 ATTEST: Danny J. Shipp, Clerk of  
32 the Circuit Court and Ex-Officio Clerk  
33 to the Board of County Commissioners

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35 \_\_\_\_\_  
36 Danny J. Shipp

37 Approved as to form and legal sufficiency

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39 \_\_\_\_\_  
Nicolle M. Shalley, County Attorney

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